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Office Correspondence, Gates/Johnson Settlement Agreement Waiver.

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California Commission POST Confidential Profile Report for Deputy Shelton.

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Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 07/31/21	Bureau/Station/Facility: North Patrol Division / Lancaster	Admin. Invest.? ☐	Hit? ☑

Incident Information

URN: 020-10361-1121-013	Date: 06/11/20	Time: 0522 hours
City or Station: Lancaster	Nature of Incident: Domestic Violence call for service which resulted in a deputy involved shooting.	
Location: [redacted] W. Avenue H-12, Lancaster		

Location Type (*check one or more*):
☐ Backyard
☐ Beach
☐ Business
☐ Freeway
☐ Industrial
☐ Park
☐ Parking Lot
☑ Residence
☐ Rural
☐ School
☐ Street
Other: ____

Lighting (*check only one*):
☐ Darkness
☐ Daylight
☑ Other
☐ Street Lights

Weather (*circle only one*):
☑ Clear
☐ Cloudy
☐ Fog
☐ Rain

Distance: 2 feet

Incident Type (*check one or more*):
☐ Accidental
☐ Armed Person
☐ Fleeing Suspect
☐ Foot Pursuit
☐ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☑ Struggle Involved
☐ Traffic Stop
☐ Unarmed Person
☐ Unintentional
☐ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other:

Initiated by (*check only one*):
☐ Arrest Warrant
☑ Call
☐ Observation
☐ One Person Unit
☐ Other
☐ Search Warrant
☐ Two Person Unit

Prior Activity (*check only one*):
☐ Detective
☐ Inmate Transport
☐ Other
☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
1	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	[redacted]	[redacted]		☑ EM ☐ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	[redacted]	[redacted]		☑ EM ☐ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Gonzalez	Miguel		☑ EM ☐ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Marion	Clayton	D.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
[redacted]	Madden	Steven	P.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Heischuber	Brian	A.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Cartmill	Richard	J.

PSTD Use Only

SH # ____

See Reverse

Officer Involved Shooting
Involved Employee Information

URN: 020-10361-1121-013

Involved Employee

E 1

Employee #: [redacted] | Last Name: Shelton | First Name: Ty | M.I.:

Sex: M | Race: W | Rank: DSG | Unit Assignment: Lancaster | Work Assignment (Unit #, Module, etc.): 111

ShiftTime (*circle only one*): ☑ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: N/A

Hospital Admission? ☐ | Hospital Name: N/A | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☑

Hrs of sleep prior to shooting: 8-9 hours | Duty Time (hrs): [redacted] | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest | Other Factors:

Age: [redacted] | Height: 5'6 | Weight: 220

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Smith & Wesson | Caliber: 9mm | # Shots: 1 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.:

Field Training Officer Emp #: [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.:

E __

Employee #: | Last Name: | First Name: | M.I.:

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber: | # Shots: | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

E __

Employee #: | Last Name: | First Name: | M.I.:

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber: | # Shots: | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

See Other Side

Officer Involved Shooting
Suspect Information

URN: 020-10361-1121-013

Suspect Information

S 1

Last Name: Thomas | First Name: Michael | M.I.: L
AKA Last Name: | First Name: | M.I.:
Sex: M | Race: B | Street Address: | City: | State & Zip Code:
Work Phone: | Home Phone: | Social Security #: | Driver's License #:
Age: 61 | D.O.B. 08/25/58 | Height: 509 | Weight: 174 | FBI #: | CII #:
Booking #: N.I.C. | Primary Charge: 69 (a) P.C. | Secondary Charge: 243(e)(1) P.C.
Coroner Case? ✓ | Coroner Case #: 2020-05149 | Intoxication/Drug Usage? ✓ | Substance Used: Methamphetamine, PCP, Cocain
Armed? ✓ | Apprehended? ✓ | Mental Illness? ☐ | Criminal History?
Vehicle Make: | Model: | Year: | Parole: | Probation: | Prior Felony Conviction: Yes

S

Last Name: | First Name: | M.I.:
AKA Last Name: | First Name: | M.I.:
Sex: | Race: | Street Address: | City: | State & Zip Code:
Work Phone: | Home Phone: | Social Security #: | Driver's License #:
Age: | D.O.B. | Height: | Weight: | FBI #: | CII #:
Booking #: | Primary Charge: | Secondary Charge:
Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used:
Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐
Vehicle Make: | Model: | Year: | Parole: | Probation: | Prior Felony Conviction:

S

Last Name: | First Name: | M.I.:
AKA Last Name: | First Name: | M.I.:
Sex: | Race: | Street Address: | City: | State & Zip Code:
Work Phone: | Home Phone: | Social Security #: | Driver's License #:
Age: | D.O.B. | Height: | Weight: | FBI #: | CII #:
Booking #: | Primary Charge: | Secondary Charge:
Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used:
Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐
Vehicle Make: | Model: | Year: | Parole: | Probation: | Prior Felony Conviction:

S

Last Name: | First Name: | M.I.:
AKA Last Name: | First Name: | M.I.:
Sex: | Race: | Street Address: | City: | State & Zip Code:
Work Phone: | Home Phone: | Social Security #: | Driver's License #:
Age: | D.O.B. | Height: | Weight: | FBI #: | CII #:
Booking #: | Primary Charge: | Secondary Charge:
Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used:
Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐
Vehicle Make: | Model: | Year: | Parole: | Probation: | Prior Felony Conviction:

See Other Side

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Murphy	Kyle		501 W. Lancaster Boulevard, Lancaster	93534	661-948-8466	

Officer Involved Shooting

URN: 020-10361-1121-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06/11/2020	0854 hours	08/16/21	

Employee #	Last Name	First Name	M.I.
[redacted]	Devane	Ann	
[redacted]	Morales	Joseph	
[redacted]	Creta	Blanca	E

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S # 1	E # 1	UC					NN	AR
S # 1	E # 1	RS					NN	AR
S # 1	E#1	FO	SW	(9)			NN	NA
E # 1	S # 1	FH	SW	(9)	Y	Y	GS	CH

See Front Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-Duty Hit Shooting, Suspect Deceased**
IAB FILE NUMBERS:	**SH 2511478 / FO 2511481**
URN#:	**020-10361-1121-013**
DATE/TIME:	**June 11, 2020, 0522 hours**
LOCATION:	**[redacted] West Avenue H-12, Lancaster**

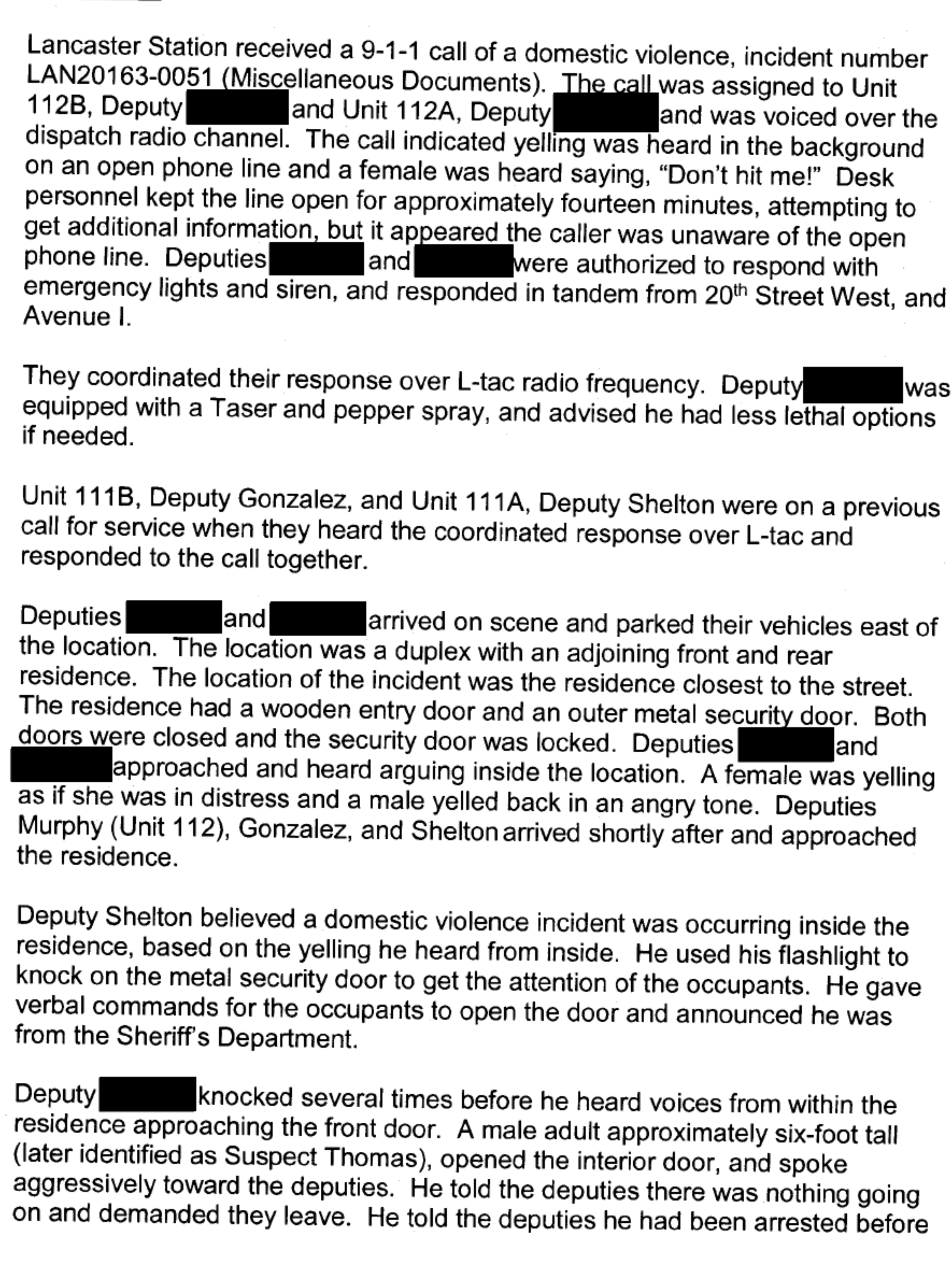
SYNOPSIS

On June 11, 2020, an Internal Affairs Bureau (IAB) shooting/force response team comprised of Lieutenant Ann Devane, Sergeant Blanca Creta, and Sergeant Joseph Morales responded to Lancaster Station regarding an on-duty hit shooting. The shooting resulted in the death of Suspect Michael Lenvill Thomas.

IAB Lieutenant Ann Devane ensured Lancaster Watch Commander, Lieutenant Cartmill, took reasonable steps to prevent the involved parties and witnesses from discussing the incident amongst themselves or with uninvolved persons prior to being interviewed by the assigned investigators. Lieutenant Devane also ensured Lieutenant Cartmill prohibited the aforementioned parties from collectively consulting with their attorney or representative. In addition, Lieutenant Devane verified Lieutenant Cartmill had the involved parties and witness personnel gather in the company of a supervisor until they provided a statement to the assigned investigators.

Detectives John Duncan and Gene Takashima from the Los Angeles County Sheriff's Department Homicide Bureau arrived and assumed control of the investigation. For further information, refer to the Homicide case book **[EXHIBIT A]**.

> **IAB Note:** **On January 12, 2021, the Homicide Bureau Deputy Involved Shooting investigation was presented to the Los Angeles County District Attorney's Justice System Integrity Division (JSID) and is currently under review for findings and disposition; therefore, the following**



review is based on the information contained in the Homicide case book.

SUMMARY

Lancaster Station received a 9-1-1 call of a domestic violence, incident number LAN20163-0051 (Miscellaneous Documents). The call was assigned to Unit 112B, Deputy ████ and Unit 112A, Deputy ████ and was voiced over the dispatch radio channel. The call indicated yelling was heard in the background on an open phone line and a female was heard saying, "Don't hit me!" Desk personnel kept the line open for approximately fourteen minutes, attempting to get additional information, but it appeared the caller was unaware of the open phone line. Deputies ████ and ████ were authorized to respond with emergency lights and siren, and responded in tandem from 20th Street West, and Avenue I.

They coordinated their response over L-tac radio frequency. Deputy ████ was equipped with a Taser and pepper spray, and advised he had less lethal options if needed.

Unit 111B, Deputy Gonzalez, and Unit 111A, Deputy Shelton were on a previous call for service when they heard the coordinated response over L-tac and responded to the call together.

Deputies ████ and ████ arrived on scene and parked their vehicles east of the location. The location was a duplex with an adjoining front and rear residence. The location of the incident was the residence closest to the street. The residence had a wooden entry door and an outer metal security door. Both doors were closed and the security door was locked. Deputies ████ and ████ approached and heard arguing inside the location. A female was yelling as if she was in distress and a male yelled back in an angry tone. Deputies Murphy (Unit 112), Gonzalez, and Shelton arrived shortly after and approached the residence.

Deputy Shelton believed a domestic violence incident was occurring inside the residence, based on the yelling he heard from inside. He used his flashlight to knock on the metal security door to get the attention of the occupants. He gave verbal commands for the occupants to open the door and announced he was from the Sheriff's Department.

Deputy ████ knocked several times before he heard voices from within the residence approaching the front door. A male adult approximately six-foot tall (later identified as Suspect Thomas), opened the interior door, and spoke aggressively toward the deputies. He told the deputies there was nothing going on and demanded they leave. He told the deputies he had been arrested before

and yelled profanities at them, saying they were killers and referenced "George Floyd."

IAB Note: On May 25, 2020, George Floyd, a 46 year-old male Black, died during his arrest in Minneapolis Minnesota. The incident gained worldwide attention alleging police misconduct.

A female inside the residence, later identified as the domestic violence victim, [redacted] (Witness [redacted] screamed in distress and wanted the deputies to get her out of the residence. Deputy Shelton saw the female step toward the door as if she was going to open it or exit outside, but Suspect Thomas stood between her and the door and did not let her out of the residence. Suspect Thomas yelled at Witness [redacted] saying, "Shut up bitch," and it appeared he struck her with his left hand.

Believing a crime was occurring and the victim was in imminent danger of being hurt, Deputies Shelton and [redacted] forced the metal security door open. Suspect Thomas appeared surprised when the door opened and took a step back into the residence.

Deputy [redacted] was the first deputy to make entry into the residence. He grabbed Suspect Thomas' shirt in order to prevent him from going further into the residence and potentially arming himself. Deputy [redacted] was able to gain additional leverage to left side of Suspect Thomas' body.

Suspect Thomas squatted and brought his arms to his sides, further described by Deputy Shelton that it was as if he was preparing to tackle whoever approached him, or as if he was going to wrap his arms around one of them. Deputy [redacted] grabbed Suspect Thomas' arms in an attempt to gain control.

They were approximately two to three feet from the door when Deputies [redacted] Gonzalez, and Murphy walked into the residence. Deputy Murphy went directly to the female victim, who was also in the living room.

Deputy [redacted] grabbed Suspect Thomas' right arm as he attempted to force himself away from the deputies toward a nearby couch. Suspect Thomas reached toward Deputy [redacted] holstered duty weapon, which was on his left side. Deputy Shelton grabbed Suspect Thomas' forearm in an attempt to pull his hand away from Deputy [redacted] gun, but he was unsuccessful.

Deputy Shelton noticed Suspect Thomas had a grip on Deputy [redacted] firearm and yelled, "He's got your gun." Deputy [redacted] looked down at his firearm and saw Suspect Thomas' arm over his weapon. Deputy [redacted] swiped his left arm from his chest level toward his weapon to disengage Suspect Thomas' arm away from his weapon. Deputy Shelton believed Suspect Thomas had the complete intention of killing one of the deputies, Witness [redacted] or himself. To stop the

threat, Deputy Shelton fired one round from his duty weapon at Suspect Thomas, striking him in the chest. Suspect Thomas stumbled backward and fell to the ground onto his back.

Deputies Shelton and [redacted] used their handheld radios to broadcast the deputy involved shooting and requested paramedics to their location. Deputy Gonzalez put on gloves and began life saving measures by applying chest compressions before paramedics arrived.

A protective sweep of the residence was conducted. Two occupants, Witness [redacted] and Suspect Thomas' [redacted] Witness [redacted] were inside the location and were escorted outside and the crime scene was contained.

It was determined Witness [redacted] was the victim of domestic battery.

All involved deputies were sequestered and transported to Lancaster Station where they remained until they were interviewed by Homicide investigators.

Suspect Thomas was transported to Antelope Valley Hospital where he was pronounced deceased by Dr. Jake Wilson.

9-1-1 CALL

The call appeared to be initiated by someone inside the residence. Although attempts were made, there was no dialogue between the caller and Lancaster desk personnel. In the background, a male and female were heard in a relentless heated argument. No one from the open phone line acknowledged the 9-1-1 operator.

At 07:56 minutes into the call, four to five door knocks were heard in the background. The voices appeared to intensify shortly afterward. It appeared Suspect Thomas acknowledged the deputies' presence, and he could be heard denying their request to enter the residence. Suspect Thomas appeared to be directing his dialogue toward the deputies while at the same time arguing with the female inside the residence.

At 09:37 minutes into the call, the male and female voices intensified before a single gunshot could be heard.

> **IAB Note:** **IAB investigators had personnel from the Sheriff's High Tech Task Force enhance the 9-1-1 call audio for identifying any additional dialog within the recording. The enhanced audio captured a faint voice stating, "He's got your gun!" moments prior to the sound of a gunshot. Refer to EXHIBIT B, labeled: Louder version seconds before shot is fired.**

To review the complete audio of the 9-1-1 call, refer to **[EXHIBIT B],** 9-1-1 call.

RADIO TRANSMISSION

IAB Investigators reviewed all radio traffic associated with the incident **[EXHIBIT B]**.

L-TAC

Time:	**05:16:00**
00:13:00	Deputy [REDACTED] told Unit 112A (Deputy [REDACTED] that they will roll in tandem, and advised he had less lethal (weapons) if needed.
00:51:00	Unit 112A requested the handle. A siren is heard in the background.
01:26:00	Unit 111T advised he was en route. A siren is heard in the background.

DISPATCH CHANNEL 15

Time:	**05:24:25**
00:00:12	"10-33 give me the patch" (Request emergency radio clearance) - Two deputies announced a "998" (Deputy involved shooting) and verified the address as 606 W H-12.
00:00:35	Units 111T1 and 112T2 acknowledged the radio traffic and advised they were responding, as well as a Sam unit (Sergeant) who advised he was not logged on.
00:01:12	Personnel announced all deputies are accounted for, and requested medical response for the suspect.
00:01:23	A Unit advised, life saving efforts were initiated on the suspect.

INVOLVED EMPLOYEE AND WORK HISTORY

Ty Shelton, Deputy Sheriff, #[REDACTED]
North Patrol Division
Lancaster Station

Work History

Date of Employment:	July 13, 2017
Date Assigned to Patrol/Lancaster Station:	September 30, 2018

Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Category-3 Force Incidents:



Equipment Worn On Person

Class A, Los Angeles County Sheriff's uniform
Back up firearm, Smith & Wesson 38 caliber revolver loaded to capacity, 5 rounds.
Duty Weapon
Radio
Oleoresin Capsicum (O.C.) Spray
Tourniquet
Two handcuffs
Department issued Taser
2 magazines loaded to capacity

Deputy Sheriff, #
North Patrol Division
Lancaster Station

Work History

Date of Employment:
Date Assigned to Patrol/Lancaster Station:
Date Completed Patrol Training:
Prior Category-3 Force Incidents:



Equipment Worn On Person

Class B, Los Angeles County Sheriff's uniform
Duty Weapon
Oleoresin Capsicum (O.C.) Spray
Tourniquet
Radio
Expandable Asp,
2 magazines loaded to capacity

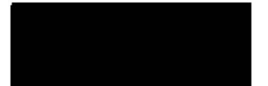
Deputy Sheriff, #
North Patrol Division
Lancaster Station

Work History

Date of Employment:
Date Assigned to Patrol/Lancaster Station:



Date Completed Patrol Training:
Prior Category-3 Force Incidents:



Equipment Worn On Person

Class B, Los Angeles County Sheriff's uniform
Duty Weapon
Personal Body Camera (off during this incident)
Tourniquet
Radio
Small flashlight
Expandable Asp
Oleoresin Capsicum (O.C.) Spray
3 magazines loaded to capacity

SUSPECT INFORMATION

Michael Lenvill Thomas

Male, Black, DOB: August 25, 1958, 5'08", 185 pounds
CII # MAIN # FBI #

IAB Note: **A copy of Suspect Thomas criminal history is included in Miscellaneous Documents.**

WITNESSES

Deputy Miguel Gonzalez
Deputy Kyle Murphy



INJURIES

Suspect Thomas sustained one gunshot wound to his upper left torso. See Coroner's report included in the Homicide case book **[EXHIBIT A, Volume 1 pages 128-150].**

PHYSICAL EVIDENCE

Physical evidence was collected by Homicide Detectives Takashima and Duncan. They were assisted by Forensic Identification Specialist Mira Amin, # and Forensic Identification Specialist Desiree Rolling, # from the Sheriff's Scientific Services Bureau. For descriptions of the evidence

collected and where it was collected, see the Homicide case book **[EXHIBIT A, Volume 1 pages 35-37]**.

One expended 9mm casing was recovered at the scene **[EXHIBIT A, Volume 1 page 168]**. One deformed jacketed projectile was recovered from the body of Suspect Thomas **[EXHIBIT A, Volume 1 pages 128-146]**.

Deputy [REDACTED] firearm was examined by Scientific Services Bureau Biology Processing Section for blood and DNA evidence. Blood evidence was not detected on the firearm. According to Crime Lab personnel, the results of the DNA analysis indicated the presence of Suspect Thomas' DNA was less than sufficient. **[EXHIBIT A, Volume 1, pages 151-156]**.

INVESTIGATOR'S OBSERVATIONS

Four hours transpired between the shooting and IAB Investigator's observations.

The scene was described in detail by Forensic Identification Specialist Mira Amin in a Crime Investigation Report **[EXHIBIT A, Volume 1 page 167-167]**. Their description of the scene was consistent with IAB Investigator's observations. The scene was photographed by the aforementioned Scientific Services Bureau personnel.

WEAPON USED BY DEPUTY SHELTON

Deputy Shelton fired one round of Department issued 9mm ammunition from his Department issued Smith & Wesson M&P, semiautomatic pistol. A functionality test was conducted and the gun was determined to be functional. Senior Criminalist Investigator Marco Lezza, #[REDACTED] generated a report which documented the examination results. See Homicide case book **[EXHIBIT A, Volume 1 pages 161 and 162]**.

On June 11, 2020, Homicide Detective Takashima and Duncan conducted a round count at Lancaster Station. The firearm contained 17 live rounds, sixteen in the magazine and one in the chamber. The magazine holds a capacity of 17 rounds. Deputy Shelton carried two magazines for his duty weapon on his duty belt, both magazines were filled to capacity. See transcriptions in the Homicide case book **[EXHIBIT A, Volume 1 pages 311-321]**.

WEAPONS USED BY SUSPECT THOMAS

None

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATORS AND CHARGES FILED

Detectives Takashima and Duncan of the Los Angeles County Sheriff Department's Homicide Bureau were assigned the criminal investigation. No charges were filed.

LIGHTING AND WEATHER CONDITIONS

The scene was illuminated by a light inside the living room. The weather was clear and cool.

INVESTIGATION

IAB Note: **Due to this Deputy Involved Shooting still under review by JSID, this administrative shooting review was submitted respecting the provisions outlined in the Gates/Johnson vs. County of Los Angeles Settlement Agreement; therefore, Involved Employee Deputy Shelton was not interviewed by Internal Affairs Bureau investigators.**

A letter to Deputy Shelton's legal representation was mailed requesting an interview with Deputy Shelton if he voluntarily waived the Gates/Johnson Agreement stipulations. A response was never received. (A copy of the letter is included in Miscellaneous Documents).

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the DVD containing the digitally audio recorded interviews and verbatim transcriptions.

INVOLVED DEPUTY TY SHELTON

On June 12, 2020, Deputy Shelton was interviewed by Homicide Detectives John Duncan and Gene Takashima. This interview was summarized in the Homicide case book **[EXHIBIT A, pages 51-54]**.

Deputy Shelton stated he heard muffled arguing inside the location of a domestic violence call for service when he arrived. Deputy Shelton knocked on the front door, the interior door opened violently, and Suspect Thomas told the deputies they needed to leave. Suspect Thomas had his hands clenched and his arms were down to his side. Deputy Shelton attempted to engage Suspect Thomas in conversation while checking if the security door, which was locked. A female inside the residence (Witness [redacted] appeared to make her way toward the door; however, Suspect Thomas stood between her and the door. Deputy Shelton

heard what he believed to be Suspect Thomas strike Witness and based on the body positioning he saw through the security door, he believed Witness was struck in the face. Deputy Shelton grabbed the metal security door and pushed it in, then pulled back, causing the door to open.

Deputy entered the residence before him and they remained within the threshold of the door. Deputy Shelton saw Suspect Thomas lower his body to about his eye level (5'6). Deputy grabbed Suspect Thomas' upper shoulder. Suspect's Thomas' right arm was extended outward around Deputy hip area. Deputy Shelton became terrified when he saw Suspect Thomas' hand was over Deputy gun. Deputy Shelton attempted to pull Suspect Thomas' hand away from the gun; however, Suspect Thomas would not let go and his arms were rigid and stiff. Deputy Shelton believed Suspect Thomas had the intention to kill him or his partner. Deputy Shelton did not have any other options of moving, retreating, or disarming the suspect. Deputy Shelton retrieved his duty weapon, pointed it at Suspect Thomas' chest, and fired one round, which had an immediate effect. The suspect stepped back and fell to the ground. See transcriptions in the Homicide case book **[EXHIBIT A, Volume 1 pages 405-459]**.

INVOLVED DEPUTY

On June 11, 2020, Homicide Detectives Gene Takashima and John Duncan interviewed Deputy at Lancaster Sheriff's Station. IAB investigators Sergeants Creta and Morales were present during the interview.

Deputy arrived on scene and heard arguing coming from within the residence. Deputy with his flashlight, knocked on the security door. Suspect Thomas came to the door and told the deputies there were not wanted there. Witness (Domestic Violence victim) told the deputies she needed help and to open the door. Deputy pulled on the metal bars of the security door and the door opened. Suspect Thomas appeared to back away from the deputies. Deputy was the first deputy inside the residence and grabbed Suspect Thomas' shirt to prevent him from going further into the residence or to retrieve a weapon. Deputy grabbed Suspect Thomas' left arm and controlled it by forcing it by the suspect's abdomen.

Suspect Thomas forced his way to a nearby couch that was approximately three to five feet away. Deputy heard Deputy Shelton say, "He's reaching for your gun." Deputy saw Suspect Thomas' hand on Deputy left side of his body, low to his belt. Deputy Shelton pulled out his weapon and fired one round. Deputy released his hold on the suspect and Suspect Thomas fell onto the couch. Deputy stepped back and out of the residence. Deputy called out to the occupants of the residence. He was told there was another person inside the residence who was deaf. Deputy walked back inside the residence to locate the deaf person and saw

Deputy Gonzalez putting on gloves and began applying chest compressions to Suspect Thomas. For further, refer to Deputy [REDACTED] homicide interview transcripts in the Homicide Case book **[EXHIBIT A, pages 381-404]**.

INVOLVED DEPUTY [REDACTED]

Homicide Interview

On June 11, 2020, Homicide Detectives Gene Takashima and John Duncan interviewed Deputy [REDACTED] at Lancaster Sheriff's Station. IAB investigators Sergeant Creta and Morales were present during the interview.

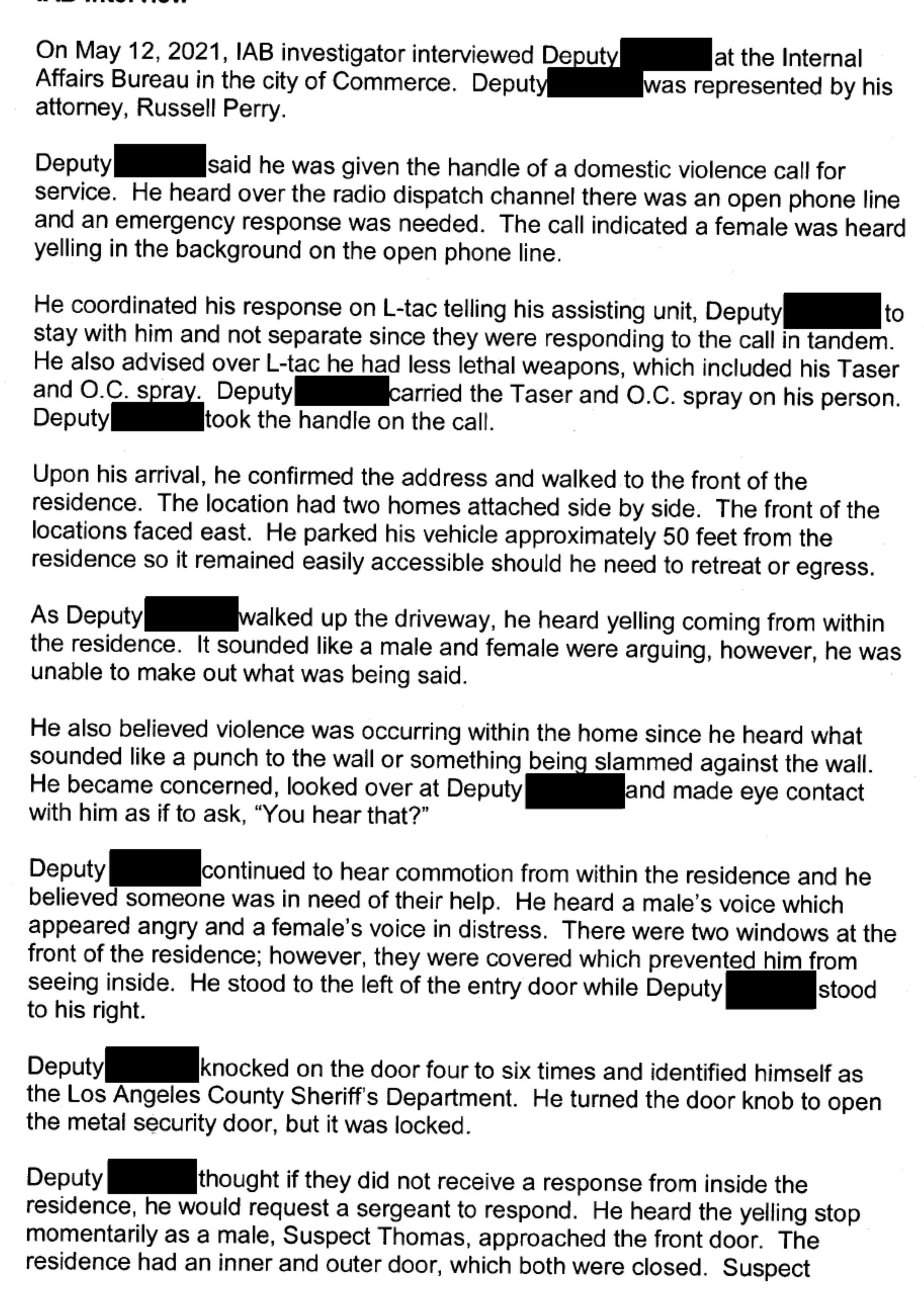
Deputy [REDACTED] walked to the front of the residence and heard arguing inside. Deputy [REDACTED] knocked on the door and Suspect Thomas opened the front door; however, the security door remained closed and locked. Suspect Thomas told the deputies they were not coming in. Deputy [REDACTED] was concerned because he was unable to check on the domestic violence victim and to determine if the suspect was armed. The security door was difficult to see through.

Deputies [REDACTED] and Shelton pushed back and forward on the security door and the door popped open. Suspect Thomas appeared angry, was in a fighting position with his hands clenched, chest was out, and his arms were down. When Deputy [REDACTED] applied a firm grip on the suspect's right clavicle, Suspect Thomas tensed up and pulled away. Deputy [REDACTED] applied downward pressure to transition into a control hold when he felt movement on the left side of his gun belt next to his duty weapon. Deputy [REDACTED] became terrified as he thought Suspect Thomas had his gun.

Deputy [REDACTED] glanced down and saw Suspect Thomas' right arm was over his gun. Deputy [REDACTED] did a downward chopping motion with his left hand toward his gun to disengage the suspect from his gun. Deputy [REDACTED] believed Suspect Thomas was going to kill him or the other deputies, since he did not think there was any reason why anyone would reach for an officer's gun. Deputy [REDACTED] saw Deputy Shelton's muzzle come forward in front of his face, which was pointed toward the suspect. Deputy [REDACTED] heard a single round fired.

Deputy [REDACTED] jumped back, moving onto the front porch, and checked on his firearm, which was still inside his holster. The retention strap was partially disengaged in a forward position, approximately a quarter inch. Deputy [REDACTED] immediately broadcasted a deputy involved shooting occurred. Deputy [REDACTED] noticed the suspect bleeding and he re-entered the residence to render life saving measures. Deputy Gonzales initiated chest compressions.

For further, refer to Deputy [REDACTED] Homicide interview transcripts in the Homicide Case book **[EXHIBIT A, pages 322-380]**.



IAB Interview

On May 12, 2021, IAB investigator interviewed Deputy at the Internal Affairs Bureau in the city of Commerce. Deputy was represented by his attorney, Russell Perry.

Deputy said he was given the handle of a domestic violence call for service. He heard over the radio dispatch channel there was an open phone line and an emergency response was needed. The call indicated a female was heard yelling in the background on the open phone line.

He coordinated his response on L-tac telling his assisting unit, Deputy to stay with him and not separate since they were responding to the call in tandem. He also advised over L-tac he had less lethal weapons, which included his Taser and O.C. spray. Deputy carried the Taser and O.C. spray on his person. Deputy took the handle on the call.

Upon his arrival, he confirmed the address and walked to the front of the residence. The location had two homes attached side by side. The front of the locations faced east. He parked his vehicle approximately 50 feet from the residence so it remained easily accessible should he need to retreat or egress.

As Deputy walked up the driveway, he heard yelling coming from within the residence. It sounded like a male and female were arguing, however, he was unable to make out what was being said.

He also believed violence was occurring within the home since he heard what sounded like a punch to the wall or something being slammed against the wall. He became concerned, looked over at Deputy and made eye contact with him as if to ask, "You hear that?"

Deputy continued to hear commotion from within the residence and he believed someone was in need of their help. He heard a male's voice which appeared angry and a female's voice in distress. There were two windows at the front of the residence; however, they were covered which prevented him from seeing inside. He stood to the left of the entry door while Deputy stood to his right.

Deputy knocked on the door four to six times and identified himself as the Los Angeles County Sheriff's Department. He turned the door knob to open the metal security door, but it was locked.

Deputy thought if they did not receive a response from inside the residence, he would request a sergeant to respond. He heard the yelling stop momentarily as a male, Suspect Thomas, approached the front door. The residence had an inner and outer door, which both were closed. Suspect

Thomas opened the interior door and the outer door remained secured. The inner door was opened to about a 45 degree angle.

Due to pinhole sized holes on the security door, Deputy [redacted] was unable to see details of the person inside, but could see the silhouette of the person behind the door. He heard Suspect Thomas was agitated and sounded angry. Suspect Thomas told the deputies to go away. Deputy [redacted] attempted to de-escalate the situation by assuring the suspect he was not in trouble and all they wanted to do was talk to him. Suspect Thomas said, "Fuck off," and told them to leave.

The female inside could be heard yelling in the background. Deputy [redacted] plead with Suspect Thomas to cooperate and tried to negotiate with him to gain compliance. Deputy Shelton arrived and attempted to build a rapport with Suspect Thomas as well. Deputy [redacted] saw the female approach the front door, which he believed was an attempt to open the door for deputies to enter the residence. Suspect Thomas moved his hand outward toward the female and heard skin to skin contact, which led him to believe the female, was being battered by the suspect.

Deputy [redacted] felt he needed to do something. He observed Deputy Shelton pull on the metal security door. Deputy [redacted] pulled on the door along with Deputy Shelton and the locking mechanism separated from the door frame causing the door to open outward.

Suspect Thomas stood inside, approximately two feet from the door, with his hands clenched and he appeared upset. Deputy [redacted] estimated Suspect Thomas was approximately six feet tall and approximately 170 pounds. Deputy [redacted] offered Suspect Thomas the opportunity to comply by telling him to walk toward him and to relax. Deputy [redacted] felt Suspect Thomas needed to be controlled and grabbed Suspect Thomas' right bicep near his shoulder with his left hand. Deputy [redacted] right hand was on the suspect's right shoulder and clavicle area. Deputy [redacted] appeared to make a similar approach on Suspect Thomas; however, he did not know Deputy [redacted] exact hand placement. When Deputy [redacted] made contact with Suspect Thomas, he tensed up and pulled back, which appeared to be an attempt to disassociate himself from his grasp.

Deputy [redacted] described his positioning in reference to Deputy [redacted] as being "patch to patch" as they attempted to detain Suspect Thomas. Deputy [redacted] told the Suspect Thomas to stop resisting. Suspect Thomas refused to comply. Deputy [redacted] believed Suspect Thomas to be high risk due to him hitting the victim in their presence and his behavior as being, "off," or under the influence of an unknown substance. Deputy [redacted] described the suspect as being "off" because of his anger and aggressiveness. The suspect had glossy eyes and in his opinion, the suspect's behavior was not consistent with a sober person or one suffering from mental illness.

Given Suspect Thomas' actions, Deputy [redacted] thought to transition into a takedown, and requested additional units to respond over the "patch." As he was thinking his actions through, he felt his gun belt shifting on his waistband; however, because his partners were in close proximity, he believed one of them could have bumped up against his belt. He heard Deputy Shelton say, "Your gun! He's got your gun!"

Deputy [redacted] maintained his position, and quickly glanced at his left hip area and saw the suspect's arm over the hood of his duty weapon.

Deputy [redacted] quickly assessed the situation and considered placing his hands over his firearm to retain it or he was going to attempt to disconnect himself from Suspect Thomas. Deputy [redacted] decided to disconnect, since he did not want to use his hands and potentially be unable to transition to something else if needed.

Deputy [redacted] placed his right hand over Suspect Thomas' shoulder as he used his left hand to chop toward his duty weapon in an attempt to sweep Suspect Thomas' arm away. At the same time, he noticed the muzzle of a firearm near his head and he saw the firearm discharged a single time. Deputy [redacted] took a step back outside the doorway threshold, and saw Deputy Shelton was the person who fired the single-shot.

Deputy [redacted] looked down at his duty weapon and saw it was still in the holster; however, the retention strap had been moved slightly forward. He knew his retention strap was secure when he arrived to the call for service because he always checked his gun whenever he entered and exited his patrol vehicle.

Suspect Thomas fell back on his right side toward a couch which was up against the south wall of the living room. Deputy [redacted] advised over the dispatch radio channel a deputy involved shooting occurred and requested additional units along with fire department to respond and render aid to the suspect. Although he did not specifically request a sergeant to respond, he expected everyone would respond, including the sergeant.

Suspect Thomas was bleeding; however, Deputy [redacted] believed he was still responsive because he maintained his posture, as he was not fully supine or flat. Deputy [redacted] approached Suspect Thomas to initiate CPR, but another deputy initiated CPR.

Deputy [redacted] reported the use of force he used and witnessed to Sergeant Madden.

INVOLVED DEPUTY MIGUEL GONZALEZ

On June 11, 2020, Detectives Takashima and Duncan interviewed Deputy Miguel Gonzalez at Lancaster Station. IAB investigators Sergeant Creta and Morales were present during the interview.

Deputy Gonzalez stated when he arrived at the location, Deputies [redacted] Murphy, Shelton, and [redacted] were already on scene. Deputy Shelton spoke to Suspect Thomas through a security door. Suspect Thomas was shouting and a female who appeared to be in distress, was heard screaming. Suspect Thomas appeared irate as he yelled profanities at the deputies. Deputy Gonzalez saw Deputies Shelton open the security door and all the deputies entered the residence.

Suspect Thomas was shifting left to right when he heard someone yell, "Gun!" Deputy Gonzalez looked to his left and saw Deputy Shelton had his gun out. Deputy Gonzalez saw a muzzle flash as Deputy Shelton fired one shot. Suspect Thomas fell onto his back and Deputy Gonzalez confirmed the other deputies were not hurt. Deputy Gonzalez started chest compressions on the suspect. For further, refer to Homicide interview transcriptions in the Homicide case book **[EXHIBIT A, Volume 1, pages 276-310, and pages 381-404 respectively]**.

WITNESS DEPUTY KYLE MURPHY

On June 11, 2020, Homicide Detectives Gene Takashima and John Duncan interviewed Deputy Murphy at Lancaster Sheriff's Station. IAB investigators Sergeant Creta and Morales were present during the interview.

Deputy Murphy arrived on scene and heard yelling coming from the residence. Deputy Murphy walked to the front of the residence and heard Suspect Thomas tell the deputies they were not going inside his residence. Deputy Murphy heard a "smack" and believed the Suspect hit Witness [redacted] Deputy Murphy saw Deputy Shelton pull on the metal bars on the security door and Suspect Thomas shuffled back into the residence.

Deputy Murphy saw two deputies grab the suspect's arms and he (Deputy Murphy) walked into the living room. He made contact with Witness [redacted] when he heard someone yell, "Shotgun," then heard a gunshot. Deputy Murphy exited the residence as he assessed the situation then re-entered the residence to escort Witness [redacted] out. For further, refer to Deputy Murphy's Homicide interview transcripts in the Homicide Case book **[EXHIBIT A, pages 250-275]**.

On May 12, 2021, IAB investigators interviewed Deputy Murphy at the Internal Affairs Bureau in the city of Commerce. Deputy Murphy was represented by his attorney, Russell Perry.

Deputy Murphy was working early morning shift on June 11, 2020, when he heard over the radio an emergency response was needed for a domestic violence call for service. The call indicated there was an open phone line and yelling was heard in the background. He heard over the radio that another unit was responding and was assigned less lethal.

Deputy Murphy added himself to the call and responded to the location. Upon his arrival, he saw Deputy [redacted] and Deputy [redacted] on scene at the front of the residence, so he walked through the front yard to the rear of the location.

As he approached the residence, he heard muffled yelling coming within the residence. It sounded like two people arguing; however, the male was doing most of the yelling. The males' tone appeared to be angry. Deputy Murphy walked back to the front and saw Deputies [redacted] and [redacted] knocking on the door. He returned to the rear of the location to ensure no one exited the location from the back.

Deputy Murphy heard a male go to the front door, so he returned to the front of the location. The security door was still closed and the male refused to open the door. Deputy Murphy stood to the left of the front door.

As Deputy Shelton was talking to Suspect Thomas, the suspect said he was not going to let them in and referenced George Floyd. Deputy Murphy could see a male was behind the door. He saw the suspect's arm motion toward his right side. He then heard the sound of skin to skin contact which made him believe Suspect Thomas hit someone.

A female yelled in the background, although he could not remember what she said. Deputy Shelton grabbed the metal bars on the security door, pushed and pulled on the door, which caused it to open.

Suspect Thomas had his fists clenched and his hands were "white at the knuckles." Suspect Thomas appeared shocked when the door opened, and shuffled back away from the door.

Deputy Murphy, along with other deputies entered the residence. He saw two deputies, one on each of the suspect's arms as he walked into the living room to contact the victim. Suspect Thomas had his arms straight with stiff elbows on each side. The victim, who was standing near the north wall of the living room, which was closest to the street, was crying hysterically and appeared to be in distress.

Deputy Murphy asked the victim to step out of the residence so both parties could be separated. He heard someone yell, "Shotgun" followed by a "pop." Deputy Murphy looked in the direction of the suspect and saw the deputies backing away from him. Believing deputies observed a shotgun, Deputy Murphy

exited the residence along with Deputy Shelton to avoid being in a crossfire situation. The female victim remained in the residence.

Deputy Murphy heard Deputy Shelton put out emergent radio traffic. He looked over at Deputy [REDACTED] and saw the retention hood of his firearm was down and Deputy [REDACTED] was looking down at his holster and adjusting it. Deputy Murphy saw the victim walk behind the suspect near a hallway, so he re-entered the location to escort her out to the sidewalk.

Deputy Murphy reported his observations of the use of force to Sergeant Madden.

WITNESS [REDACTED]

On June 11, 2020, Lancaster Deputy Hun Pyon interviewed Witness [REDACTED] outside her residence. Witness [REDACTED] stated she was unaware she called the Sheriff's Department. Witness [REDACTED] said Suspect Thomas was "acting crazy" and he started hitting her. The deputies pulled the door open and Suspect Thomas was shot. **[EXHIBIT A, Volume 1 pages 242-249]**.

On June 11, 2020, Homicide investigators Gene Takashima and John Duncan attempted to interview Witness [REDACTED] but she refused to be interviewed.

WITNESS [REDACTED]

On June 11, 2020, Lancaster Deputy Hun [REDACTED] was in a bedroom in the residence and saw Suspect Thomas drank some type of malt liquor and smoked "weed." Suspect Thomas and Victim [REDACTED] argued and the suspect hit Witness [REDACTED] Deputies were at the location and when she walked toward the living room, she heard a "pop" and saw Suspect Thomas on the floor. Witness [REDACTED] did not witness the shooting and refused to be interviewed by Homicide investigators.

Refer to Homicide case book, for summary page 20-21 and 237-241 in interview transcripts for further.

WITNESS [REDACTED]

On June 11, 2020, Homicide investigators Jason Marx, #[REDACTED] and Stephanie Strout, #[REDACTED] interviewed the [REDACTED] of Suspect Thomas, [REDACTED] She [REDACTED] on the [REDACTED] as Suspect Thomas. [REDACTED] saw the deputies outside the location on the day of the incident and heard Suspect Thomas yelling, but she did not witness the shooting.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF PROSECUTION SUPPORT OPERATIONS

GEORGE GASCÓN • District Attorney
JOSEPH F. INIGUEZ • Chief of Staff

• Director

May 10, 2022

Captain Joe Mendoza
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Fatal Officer Involved Shooting of Michael Thomas
J.S.I.D. File #20-0202
L.A.S.D. File #020-10361-1121-013

Dear Captain Mendoza:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 11, 2020, fatal shooting of Michael Thomas by Los Angeles County Sheriff's Department Deputy Ty Shelton. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

GEORGE GASCÓN
District Attorney

By [signature]

ALAN YOCHELSON
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Ty Shelton, #[redacted]

Hall of Justice
211 West Temple Street
Suite 1200
Los Angeles, CA 90012
(213) 257-3000

MEMORANDUM

TO: CAPTAIN JOE MENDOZA
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Michael Thomas
J.S.I.D. File #20-0202
L.A.S.D. File #020-10361-1121-013

DATE: May 10, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 11, 2020, fatal shooting of Michael Thomas by Los Angeles County Sheriff's Department (LASD) Deputy Ty Shelton. We have concluded that there is insufficient evidence to prove beyond a reasonable doubt that Shelton did not act lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting on June 11, 2020, at 7:02 a.m. The District Attorney Response Team responded to the location and was given a briefing and walk-through of the scene.

The following analysis is based on investigative reports, audio recordings of interviews, a recorded 9-1-1 call, DNA analysis reports, the autopsy report, crime scene diagrams, photographic evidence, and witness statements submitted to this office by LASD Detective John Duncan and Sergeant Gene Takashima. Deputy Shelton's voluntary statement was considered in this analysis.

FACTUAL ANALYSIS

On June 11, 2020, at approximately 5:15 a.m., LASD Deputies Ty Shelton, [redacted] Miguel Gonzalez, and Kyle Murphy responded to a duplex in the City of Lancaster regarding a possible spousal assault. The deputies were informed via their in-car mobile digital computers that there was an "open line" and that arguing could be heard in the background.[1]

[1] [redacted] who is deaf, called 9-1-1 but never spoke to the dispatcher. The dispatcher remained on the line and unsuccessfully attempted to get [redacted] attention during the incident. The 9-1-1 recording provides a low-quality audio recording of the events that occurred that morning. Thomas can be heard yelling during much of the recording, making many of the statements by others unintelligible.

Each deputy drove to the location separately in a marked black and white police vehicle and wore a distinctive LASD uniform.[2]

and arrived at the location first. As they approached the residence on foot, they heard yelling and arguing coming from within. The deputies announced their presence and knocked on an exterior metal screen security door and adjacent window but received no response.[3] Murphy arrived at the location and positioned himself near the rear exit of the residence. Shelton and Gonzalez arrived and joined and at the front door. After deputies knocked on the security door again, Michael Thomas opened the interior door, leaving the exterior metal screen security door closed and locked.[4]



Figure 1 – Photograph of the metal security door and window located at the front of Thomas' residence.

Shelton and stood to the left of the security door, and and Gonzalez stood to the right of the door. Deputies ordered Thomas to open the door, but Thomas refused. Thomas yelled, "No bitch, don't open the door. I am now in fear for my life! You guys (unintelligible) and your homies just killed somebody."[5] According to the deputies, stood in the living room behind Thomas and appeared visibly upset.[6] Murphy heard arguing coming from the front of the residence and joined the other deputies at the front door.

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[2] None of the deputies had been issued LASD body worn video (BWV). wore a personal BWV but did not activate it until after the deputy-involved shooting occurred.

[3] A blanket covered the front window and prevented the deputies from being able to see inside the residence.

[4] Thomas was 61 years old, 5'7" tall, and weighed approximately 185 pounds.

[5] Thomas can be heard yelling this on the 9-1-1 recording. The statement seems to be a reference to the May 25, 2020, murder of George Floyd by then Minneapolis Police Department Officer Derek Chauvin. Multiple deputies stated they heard Thomas reference Floyd while refusing to open the door.

[6] Multiple deputies described her as "yelling" and "in distress." Shelton, and Gonzales stated they could not understand what she was saying. recalled her telling Thomas to, "Open the door!"

Over the next minute, the deputies repeatedly ordered Thomas to open the door so they could check on the occupants' welfare. Thomas repeatedly refused to open the door, yelling at the deputies and telling them they had no right to enter his house. While Thomas was arguing with the deputies, asked Thomas multiple times, "Why did you put your hands on me?"[7] Thomas told the deputies that "keeps doing this [presumably calling the police] to me" and referenced a recent According to multiple deputies, walked up behind Thomas and reached for the door. Thomas responded by shoving or slapping with his left hand to prevent her from opening the door.[9]

Shelton and grabbed the locked metal security door and quickly forced it open. and were the first to enter the residence. According to Thomas clenched his fists and took a "fighting position." stated that upon entry, Thomas started to back up into the house. Thomas yelled, "You all gonna kill me!"[10] grabbed the left side of Thomas' body while grabbed the right. Shelton straddled the entryway to the residence, slightly behind and to the left of Gonzales was directly in front of Thomas but was not touching him. Murphy entered the residence, turned to the right, and contacted who was in the living room screaming.[11]



Figure 2 – Photograph depicting the entryway of Thomas' residence. The approximate positions of Thomas (T), Shelton (S), and Gonzalez (G) upon entry into the residence are labeled.[12]

[7] These statements can be heard on the 9-1-1 recording.

[8] These statements can be heard on the 9-1-1 recording.

[9] can be heard saying "Ahh!" or "Stop!" on the 9-1-1 call at this time. Shelton, and Murphy stood to the left of the front door and were able to see Thomas, and the inside of the residence. Each stated they saw Thomas prevent from getting to the security door by contacting her with his left hand. and Gonzalez did not describe seeing Thomas make physical contact with They stood to the right of the front door and could not clearly see Thomas or before entering the residence. In brief statement, she described herself as "pull[ing] at the door."

[10] This statement can be heard on the 9-1-1 recording.

[11] can be heard on the 9-1-1 call repeatedly screaming "Help!" or "Ahh!"

[12] The distance between the front door threshold and the edge of the couch seen in the photograph was approximately four feet and nine inches.

and attempted to control Thomas' arms so he could be handcuffed, but Thomas resisted. According to he felt "movement" on the left side of his body and duty belt in the area of his holstered service weapon. Shelton then screamed that Thomas was grabbing gun.[13] According to Shelton, he grabbed Thomas' right arm with both of his hands and attempted to remove Thomas' hand from duty weapon but was unable to do so. said that when he looked down at his left hip, he saw Thomas' hand on top of his holstered firearm. brought his left arm down in a chopping motion toward Thomas' arm. Simultaneously, Shelton drew his duty weapon with his left hand while continuing to hold Thomas' arm with his right hand. Shelton pointed his duty weapon at Thomas' chest and fired one round.[14]

and released their grips on Thomas, and he fell back onto a couch before falling to the floor. The deputies briefly exited the residence and radioed that they had been involved in a shooting. They then reentered the residence and removed and Gonzalez put on medical gloves and performed CPR on Thomas until additional deputies arrived. Thomas was transported to Antelope Valley Hospital and was pronounced dead by Doctor Jake Wilson at 5:52 a.m.

Autopsy

An autopsy was performed on June 13, 2020, by Senior Deputy Medical Examiner Odey C. Ukpo. The cause of death was determined to be a gunshot wound to the chest. Toxicology results indicated the presence of marijuana, phencyclidine, amphetamine, methamphetamine, and benzoylecgonine in Thomas' blood at the time of the incident.[16]

Incident Location and Evidence Recovered

Thomas' residence was a one-story duplex, with another attached residence directly to the south. Thomas' front door opened into the living room, which was approximately 16 feet by 13 feet. A couch was located approximately four feet and nine inches west of the front door. Investigators recovered one cartridge casing discharged from Shelton's service weapon headstamped "FC 9MM Luger" from the living room floor near the entryway. Following the incident, went to the Lancaster Sheriff's Station, where his personal BWC and duty belt were collected as evidence. also submitted to a buccal deoxyribonucleic acid (DNA) swab being taken.

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[13] Shelton can be heard yelling on the 9-1-1 recording. Due to the poor quality of the recording and multiple people speaking and yelling at the same time, Shelton's precise wording cannot be deciphered. The words "he's grabbing" or "he's reaching" and "gun" can be heard.

[14] Based on the 9-1-1 recording, approximately ten seconds elapsed between the deputies' entry into the residence and the shot being fired. Approximately 1.5 seconds elapsed between Shelton yelling that Thomas was grabbing gun and the shot being fired.

[15] and were in the rear bedrooms of the home during the incident and did not observe the shooting.

[16] Phencyclidine is more commonly known as PCP. PCP is a hallucinogenic drug used for its mind-altering effects. At low doses, PCP may cause irritability, paranoia, and hallucinations. Steinpreis, R. (1996) *The behavioral and neurochemical effects of phencyclidine in humans and animals: some implications for modeling psychosis*, Behav. Brain Rsch., 74(1-2), 45-55. Benzoylecgonine is the major metabolite of cocaine.

Duty Belt

wore a standard LASD issued duty belt and firearm holster.



Figure 3 – Photograph of the duty belt was wearing during the incident.

duty weapon was secured by a Safariland Model 6280 Mid-Ride Level II Retention Duty Holster.[17] The Model 6280 prevents the firearm from being removed from the holster without first releasing the security "hood" by simultaneously pushing it down and moving it forward.[18]

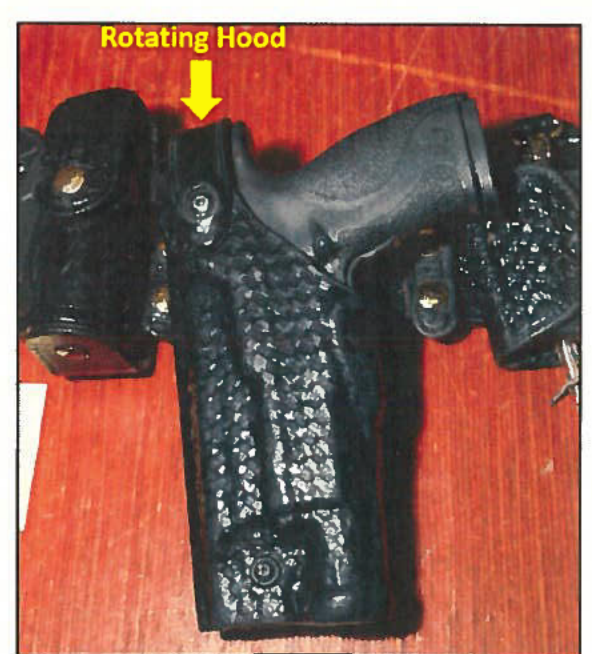


Figure 4 – Photograph of duty weapon and holster.

[17] A holster's retention level refers to the number of actions required to release the firearm from the holster. Safariland holsters have retention levels ranging from one to four.

[18] Model 6280 SLS Mid-Ride Level II Retention Duty Holster, http://www.safariland.com/products/model-6280-sls-mid-ride-level-ii-retention-duty-holster-23292 (last visited Feb. 15, 2022).

DNA Evidence

Following the incident, LASD Forensic Identification Specialist Desiree Rollins took possession of [REDACTED] duty belt and transported it to the LASD Crime Lab. On June 17, 2020, Senior Criminalist Gregory Wong took five DNA swabs of [REDACTED] duty weapon and holster, including the holster and security strap, trigger and trigger guard, grip, pistol surface, and magazine.[19] On July 24, 2020, LASD Senior Criminalist Sara Cohen-Hadria completed her comparison of the DNA swabs taken by Wong to the buccal reference sample taken from [REDACTED] and a reference sample collected from Thomas' blood.

Cohen-Hadria determined that the sample from [REDACTED] holster and security strap had an assumed number of two contributors, with one being [REDACTED] She concluded that the sample was "uninformative," meaning that Thomas could not be included or excluded as the other contributor.[20] Cohen-Hadria concluded that there was "limited support" for excluding Thomas as a possible contributor to the DNA located on the firearm's grip and surface. The sample from the grip had three assumed contributors, with [REDACTED] being one of them. According to Cohen-Hadria's report, the DNA profile was approximately seven times more likely if it originated from [REDACTED] and two unknown individuals than if it originated from [REDACTED] Thomas, and an unknown individual. Cohen-Hadria excluded Thomas as a potential contributor to the DNA found on [REDACTED] firearm's trigger, trigger guard, and magazine. The sample from the firearm's surface had four assumed contributors, with one being [REDACTED] Cohen-Hadria concluded that the DNA profile was approximately 55 times more likely if it originated from [REDACTED] and three unknown individuals than if it originated from [REDACTED] Thomas, and two unknown individuals.

Studies show that the lack of Thomas' DNA in the samples provided does not mean Thomas did not touch the objects sampled.[21] Cohen-Hadria stated that so many variables affect the quantity of DNA deposited on a touched surface that it is virtually impossible to assign a quantitative likelihood of finding no DNA on an item that had been touched. Such variables include but are not limited to: the shedder status of the individual, environmental factors, the duration and nature of the touching, the surface type of the item being touched, and the preservation and collection methods employed.[22]

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[19] According to LASD investigators, their request to have [REDACTED] entire duty belt swabbed for DNA was denied by a supervising criminalist, who authorized swabbing only the holster and firearm.

[20] According to Cohen-Hadria, an uninformative conclusion means it is just as probable that the DNA contained in the sample belongs to some unknown individual as it does Thomas.

[21] Many studies have noted instances of DNA not being deposited on touched objects during controlled experiments. Burrill, J., Daniel, N., Franscione, A. (2019) *A Review of Trace "Touch DNA" Deposits: Variability Factors and an Exploration of Cellular Composition*, Forensic Sci. Int. Genet. 39: 8-18. *See e.g.,* Samie, L., Taroni, F., Champod, C. (2020) *Estimating the Quantity of Transferred DNA in Primary and Secondary Transfers*, Sci. Justice, 60(2): 128-135 (All six participants had at least one instance where DNA was not deposited onto the handle of the knife they touched). Phipps, M., Petricevic, S. (2007) *Tendency of Individuals to Transfer DNA to Handled Items*, Forensic Sci. Int. 168: 162-168 (Participants who washed their hands 15 minutes prior to the experiment frequently deposited no DNA on plastic tubes after holding them for ten seconds).

[22] Oorschot, R.A.H., Szkuta, B., Meakin, G., Kokshoorn, B., Goray, M. (2019) *DNA Transfer in Forensic Science: A Review*, Forensic Sci. Int.: Genet. 38: 140-166.

Body Worn Video

At the time of the incident, LASD did not provide their deputies with BWV. LASD did allow deputies to purchase and use a personal BWV if they chose to do so. When responded to Thomas' residence, he had a Miufly brand BWV attached to his duty belt. According to he did not turn the camera on until after the incident. A review of the video shows walking through the residence following the incident. At one point, a deputy can be seen performing chest compressions on Thomas in the living room.

When exited the residence, an unidentified sergeant asked him if he was there during the incident. told the sergeant, "He [Thomas] was grabbing my gun as I was trying to hold him down." explained that Shelton said, "He's going for your gun Stop, he's going for your gun!" told the sergeant, "I went to go smack him like this, and as soon as I did [Shelton discharged his service weapon]."

Deputy Statements

Statement of Ty Shelton[23]

On the morning of the incident, Shelton responded to a call for service regarding a possible spousal assault. His mobile digital computer informed him that there was an "open phone line" and screaming could be heard. When Shelton arrived, he observed multiple deputies already at the location. Deputy Murphy was standing by a backyard fence on the west end of the house, and Deputies and were near the front of the house. Shelton heard "aggressive" yelling and screaming coming from inside the residence. Shelton knocked on the front door and gave verbal commands to open the door. Shelton stood to the left of the door, was behind him, and either or Gonzalez was to his right. A man, later identified as Thomas, "violently" opened the interior door but left the metal security door closed.[24] A female, later identified as stood behind Thomas and slightly to his left. Shelton assumed Thomas was the suspect and was the victim based on Thomas' aggressive behavior.

The deputies remained outside the front door for approximately forty-five seconds as Thomas yelled at them and refused to open the door.[25] Shelton said Thomas' fists were clenched as he yelled at the deputies. Shelton told Thomas that the deputies needed to enter the house to check on everyone, but Thomas refused to let them inside. According to Shelton, Thomas said something like, "I know how you guys are. You kill our people. You're not coming in this house." Shelton attempted to open the metal security door, but it was locked. was also talking, but Shelton could not hear her voice over Thomas' yelling. moved toward the door and appeared to reach for the handle, but Thomas moved to his left and blocked her from opening the door. Shelton said, "He [Thomas] yelled something to tell her to get back in the house and go away, and then he swung his left hand upwards towards her and made it sound like he made contact—probably like striking her in the face with his hand."

[23] Investigators interviewed Shelton on June 12, 2020, at Lancaster Sheriff's Station. This statement was recorded.
[24] Shelton described Thomas as approximately six feet tall with a medium build.
[25] Shelton said Thomas repeatedly yelled, "What the fuck are you doing here?"

began screaming, but Shelton could not hear what she was saying because "he [Thomas] was yelling and shouting the entire time."

Shelton grabbed the metal security door and forced it open, then held it open as another deputy, likely ______ entered. Shelton also entered the home, and he and ______ stood in the entryway door frame. ______ entered and went to the right, slightly into the living room.[26] When the deputies entered the residence, Thomas dropped into a "squat" and extended his arms in front of his body and slightly to his side. ______ moved directly toward Thomas and grabbed him by his upper shoulders and armpits. ______ stood to the right of ______ with his hand on Thomas's left shoulder. Shelton straddled the threshold with his right foot outside and his left foot inside the residence. Thomas and ______ were both screaming, but Shelton could not decipher what was being said.

According to Shelton, as ______ and ______ attempted to detain Thomas, Thomas' right arm wrapped around ______ right hip.[27] Shelton stated, "And then I look down, and I saw his [Thomas'] arm, and I immediately saw his arm retract, slide across his ______ belt and his hand grabbed Deputy ______ duty weapon." Shelton continued, "I distinctively see his hand go around—either it's the initial grip or behind where the holster connects to the belt … and [I] immediately went from being concerned to extremely terrified. Now he's got his hand on a firearm." At that point, Shelton grabbed Thomas' forearm with both hands and said to ______ "He has your gun! He's grabbing your gun!" at least five times.[28] Shelton attempted to pull Thomas' arm away from ______ service weapon but could not move it.[29]

Shelton worried that ______ service weapon would come out of its holster at any moment. Shelton explained that although department issued holsters have safety mechanisms that require specific actions to remove the firearm, such as pushing the hood down while moving it forward, he feared Thomas would gain possession of ______ firearm:

> I know that whether it's my holster, in particularly the one that's issued by the county, there's a hood that goes over the top of the firearm that holds the back of the firearm in place. Those are the easiest thing in the world to have come down unintentionally. I've gotten out of my patrol vehicle [and] that hood is down whether I've accidentally bumped it with my elbow.

Shelton moved his left hand down to his firearm and kept his right hand on Thomas' forearm. He observed ______ hip moving towards Thomas, which made him believe Thomas was pulling hard on the firearm. Shelton explained what happened next:

> [A]nd given his belligerent statements, how he's screaming. We had nowhere to go, and he's un—he's not letting go of this firearm. I now know that he had, in my opinion, the

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[26] The front door of the home entered immediately into the living room.

[27] Shelton explained that he was trained to look at a suspect's hands during an altercation.

[28] This statement, or a similar one, can be heard one time on the 9-1-1 recording.

[29] Shelton believed Thomas knew he was grabbing ______ duty weapon. "There's no way you cannot distinguish that that's a firearm, at least in my personal opinion, to even any prudent person aware of the shape of a firearm, how they look and would feel."

complete intention he's going to kill one of us with that firearm. So, once I—I've—once I know that that's going to happen, I draw my firearm from my left side, which is where it's holstered on my hip. I extend my arm all the way outward, point my firearm at his chest and fire one round.

During the interview, Shelton was asked whether he considered using less than lethal force, namely pepper spray or his Taser. Shelton stated he did not use pepper spray out of fear of contaminating everyone, including the deputies. Shelton explained that he did not use his Taser because [redacted] left leg was between his own legs, blocking access to his right hip, where he kept his Taser. According to Shelton, the duration of the entire incident was approximately five minutes, with about two minutes elapsing between forcing the metal security door open and discharging his duty weapon.

Statement of [redacted]

On the morning of the incident, [redacted] responded to a 9-1-1 call regarding possible domestic violence. The mobile digital computer in [redacted] car stated there was an open phone line, and arguing could be heard in the background. [redacted] and [redacted] responded to the location together in their separate police vehicles. While en route, [redacted] and [redacted] spoke over the radio and decided that [redacted] would be assigned to less than lethal force if needed.[31]

Once at the location, [redacted] and [redacted] approached the front door together. [redacted] heard yelling coming from within the home and "a bumping sound of some kind, or a fight." Both [redacted] and [redacted] knocked on the front door and stated, "Sheriff's Department," but were not acknowledged. [redacted] then knocked on the window adjacent to the door. [redacted] stood to the left of the front door, and [redacted] was to the right of the door. Thomas opened the interior door but left the metal security door closed. Thomas said, "You're not fucking coming in here," and "Do you see what you did, you bitch?" [redacted] was unsure of the order in which they arrived but noticed Shelton and Gonzalez standing at the door. [redacted] saw a female, later identified as [redacted] standing behind Thomas. [redacted] was screaming and yelling, but [redacted] could not understand what she was saying.

[redacted] told Thomas that they needed to enter the location to talk to him and "make sure everybody's okay." Thomas told them to, "Fuck off!" [redacted] then saw Thomas shove [redacted] with his hand. [redacted] said Thomas was "trying to keep her away from the door." Shelton told Thomas they would enter the home if Thomas would not let them in, and Thomas responded, "Fuck you!" At that point, [redacted] assisted Shelton in forcing the metal security door open, and they both entered the residence to detain Thomas. Thomas yelled, puffed out his chest, clenched his fists, and assumed a "fighting position." [redacted] was in the back of the living room crying. [redacted] grabbed Thomas' right clavicle and outer bicep of his right arm and attempted to push him down toward the ground so they could arrest him. [redacted] was trying to get Thomas' left arm behind his back. Deputies told Thomas to, "Stop resisting!" but Thomas tensed his body and pulled away. [redacted] said, "I felt like a shrug or a brush of some kind. Some

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[30] Investigators interviewed [redacted] on June 11, 2020, at Lancaster Sheriff's Station. The interview was recorded.
[31] It is common for deputies responding to 9-1-1 calls to discuss a tactical plan and delegate specific duties prior to arriving at the location.

movement to the left side of my gun belt … Specifically, like my gun area." At the time, assumed it was another deputy "bumping" into his duty belt.

heard Shelton yell, " your gun! He's going for your gun!" described Shelton's tone as a "shriek" and heard "concern" in Shelton's voice. At that point, understood the source of the movement to his duty belt. briefly glanced down and saw Thomas' right hand on the locking mechanism of his holster.[32] explained, "[W]hen I looked down, and I saw that he was attempting, or had his hand over my gun, there was only one reason why anybody would—would want to reach for an officer's gun, and that's to—to kill us." made a downward chopping motion toward his holster with his left arm and attempted to turn his left hip away from Thomas. As tried to turn, he saw the muzzle of Shelton's firearm come in front of his face. then saw muzzle flash and heard Shelton's service weapon discharge to the left of his shoulder.

jumped back and reached for his service weapon, which was in his holster with the locking mechanism partially disengaged.[33] drew his service weapon, stepped outside, and radioed that a deputy involved shooting had occurred. reentered the home and observed in the back of the room crying and in the hallway. ordered and out of the house, and Gonzalez began CPR on Thomas.

Statement of

and responded to a domestic violence call, and as they walked toward the front door, could hear a male and female arguing. Shelton, Gonzalez, and Murphy arrived and walked up the driveway as knocked on the metal security door several times with his flashlight. stood to the right of the door and against the wall. Shelton and stood to the left of the door. Thomas opened the interior door but repeatedly refused to open the metal security door. Due to position, he could only see the left half of Thomas and could not see further into the living room. Thomas said, "You guys are killers … I heard what you did to George Floyd. You guys are just killers. I don't want you in my house." said he could not see but could hear her. sounded distressed and was "telling us to open the door [and] telling him to open the door."[35]

At that point, Shelton and forced the metal security door open. was the first deputy to enter the house. Upon entry, he grabbed Thomas by his shirt to prevent him from moving further into the living room. He then grabbed Thomas' left elbow or tricep with his right arm and Thomas' left hand or wrist with his left arm. forced Thomas' hand into his abdomen and applied a control hold. then grabbed Thomas' right arm. stated that Thomas resisted and leaned back onto the couch's armrest. Shelton told Thomas, "Stop!" and "Calm down!"

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[32] did not know if the security hood was still in the locked position at that time because Thomas' hand was blocking his view.

[33] estimated the hood had been pushed forward a quarter of an inch.

[34] Investigators interviewed on June 11, 2020, at Lancaster Sheriff's Station. The interview was recorded.

[35] According to he was later told that Thomas had physically prevented from opening the door. He was unable to see the left side of Thomas or during the incident due to his positioning to the right side of the front door.

then heard a deputy shout, "He's reaching for your gun!" and saw Thomas' wrist near the left side of belt.[36] said, "I was angled. I couldn't see what he was reaching. The next thing I know, Deputy Shelton pulls out his weapon ... That's when he—when he shoots the suspect." After the shot, saw Thomas' blood on his hand and released Thomas. Thomas fell back onto the couch and then onto the floor. The deputies briefly exited the house before Gonzalez reentered to perform CPR.

Statement of Michael Gonzalez[37]

On the morning of the incident, Gonzalez responded to a domestic violence call in the City of Lancaster. Gonzalez arrived at the location at the same time as Shelton. When Gonzalez approached the front door, and were already there. Thomas was yelling, "You mother fuckers are going to kill me ... It's like George Floyd!" Gonzalez heard screaming from inside the residence but could not recall what she was saying. He believed was in "distress" and "needed help." Gonzalez heard Thomas tell "Shut up, bitch." Shelton told Thomas he needed to come outside, but Thomas refused to open the security door.

Shelton and another deputy forced open the metal security door. The deputies entered the residence, and two of them grabbed Thomas.[38] Shelton was standing to Gonzalez' left and was not touching Thomas. Thomas resisted the deputies. Thomas' "arms were kind of stretched out and kind of by the deputies' like waistline." Gonzalez could not see Thomas' hands. Deputies ordered Thomas to, "Stop fighting!" and Gonzalez decided to go "hands on" and assist. Gonzalez stated, "I approach the suspect with my hands up about to grab his upper torso when I heard—I don't know—someone said 'gun!' I immediately looked to my left, saw Shelton's gun out and—and saw the muzzle flash off when he fired the—his firearm." Gonzalez was face-to-face with Thomas and approximately two feet away when the shot was fired. Gonzalez did not see where Thomas' arms were because he was focused on Thomas' face.

After the deputy involved shooting occurred, Gonzalez asked Shelton, "Hey, where's the gun?" Shelton responded, "No, he was grabbing Perales' gun." Gonzalez then performed CPR on Thomas.

Statement of Kyle Murphy[39]

When Deputy Murphy arrived at the location, he observed and walking up the driveway. He walked to the rear of the residence to ensure no one escaped as the other deputies went to the front door. While standing at the rear, he heard the front door open and a man yelling, so he walked back to the front. Murphy saw to the right of the front door, to the left, and Shelton walking back and forth. Murphy positioned himself to the left of the door. Thomas was refusing to let the deputies into the house and stated, "She does this every

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[36] Later in the interview, said he heard, "He's got your—he's got your gun!"

[37] Investigators interviewed Gonzalez on June 11, 2020, at the Lancaster Sheriff's Station. The interview was recorded.

[38] Gonzalez did not know which deputy grabbed which of Thomas' arms.

[39] Investigators interviewed Murphy at Lancaster Sheriff's station on June 11, 2020. The interview was recorded.

time, she calls, you guys come in and ruin my day," and "I know what you guys did to that Floyd guy." reached toward the front and stated, "He hit me." In response, Thomas told her to, "Shut up!" and swung his arm from his chest toward Murphy then heard the "smack" sound of Thomas' hand contacting

Shelton forced the security door open, and the deputies entered the residence. Thomas' hands were clenched, his arms were by his side, and he was shuffling backward. Murphy was the last deputy to enter the home. When Murphy entered, he turned to the right and approached who was screaming and crying. Murphy ordered out of the house, but she did not leave and continued screaming. Someone yelled, "Shotgun!" and Murphy heard a firearm discharge. When Murphy turned toward the noise, he saw what appeared to be "dust" and the deputies stepping backward. Thomas was on the couch, and was screaming. The deputies then exited the residence. Later, Murphy checked on Shelton, and Shelton told him, "I shot him. He was going for gun."

Witness Statements

Statement of

LASD Deputy Hun Sok Pyon responded to the location after the deputy involved shooting and briefly interviewed on a nearby sidewalk.[40] was crying and expressed feelings of guilt for calling the police. stated she was "playing" with her phone and accidentally called. According to she and Thomas had been drinking that morning.[41] At one point, Thomas became upset with because he thought she was bothering and they began to argue. Thomas was acting "crazy" and slapped on the right side of her face.[42] accidentally dialed 9-1-1, and deputies arrived at the location. explained, "When you all came and—and you all telling him to open the door, and he thought I was telling you all something and—and I pull—pull the door and then you all handcuff him, and I heard him say 'Ow! Ow!' and then the next thing you know, you guys shot him."[43]

Statement of

LASD Deputy Daniel Carlin responded to the scene of the incident and contacted outside of the residence.[44] stated she arrived at the location at approximately three in

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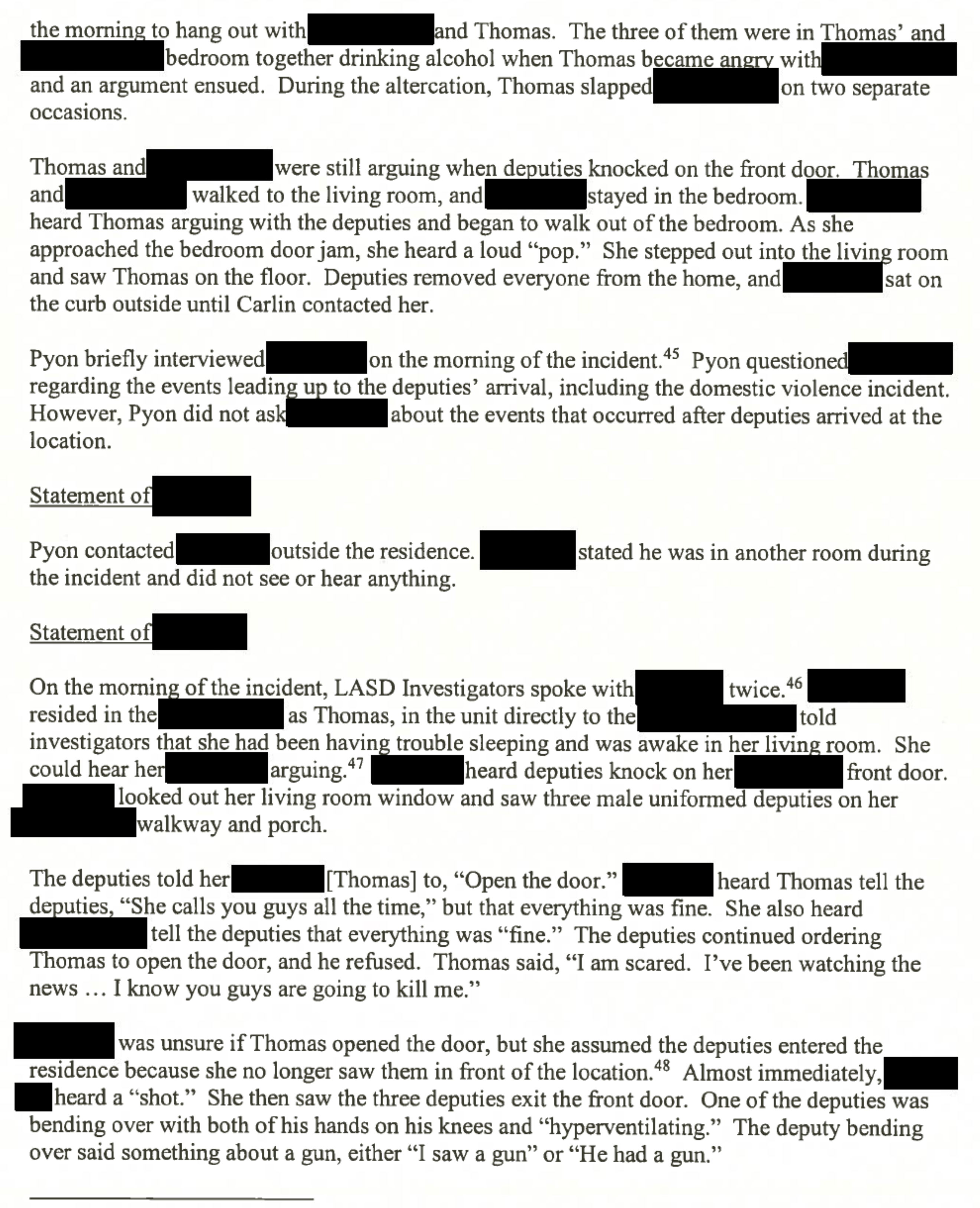
[40] This interview was recorded.

[41] stated she was an alcoholic and had consumed two 40 oz bottles of "Olde English," and Thomas had been drinking a large bottle of cognac. stated she did not know if Thomas was under the influence of a controlled substance at the time of the incident.

[42] audio recorded six minutes and 33 seconds of the argument and altercation between her and Thomas on her cell phone.

[43] Pyon did not ask for clarification or additional details regarding the deputy involved shooting. Following her interview with Pyon, refused to speak with LASD investigators at the scene. Investigator's subsequent efforts to interview and were unsuccessful. In a meeting with one of Thomas' and her civil attorney, investigators were told that and were aware of the investigator's desire to speak with them, but they did not want to be interviewed. A civil suit was filed on behalf of Thomas' on February 19, 2021.

[44] This interview was not recorded.



the morning to hang out with and Thomas. The three of them were in Thomas' and bedroom together drinking alcohol when Thomas became angry with and an argument ensued. During the altercation, Thomas slapped on two separate occasions.

Thomas and were still arguing when deputies knocked on the front door. Thomas and walked to the living room, and stayed in the bedroom. heard Thomas arguing with the deputies and began to walk out of the bedroom. As she approached the bedroom door jam, she heard a loud "pop." She stepped out into the living room and saw Thomas on the floor. Deputies removed everyone from the home, and sat on the curb outside until Carlin contacted her.

Pyon briefly interviewed on the morning of the incident.[45] Pyon questioned regarding the events leading up to the deputies' arrival, including the domestic violence incident. However, Pyon did not ask about the events that occurred after deputies arrived at the location.

Statement of

Pyon contacted outside the residence. stated he was in another room during the incident and did not see or hear anything.

Statement of

On the morning of the incident, LASD Investigators spoke with twice.[46] resided in the as Thomas, in the unit directly to the told investigators that she had been having trouble sleeping and was awake in her living room. She could hear her arguing.[47] heard deputies knock on her front door. looked out her living room window and saw three male uniformed deputies on her walkway and porch.

The deputies told her [Thomas] to, "Open the door." heard Thomas tell the deputies, "She calls you guys all the time," but that everything was fine. She also heard tell the deputies that everything was "fine." The deputies continued ordering Thomas to open the door, and he refused. Thomas said, "I am scared. I've been watching the news … I know you guys are going to kill me."

was unsure if Thomas opened the door, but she assumed the deputies entered the residence because she no longer saw them in front of the location.[48] Almost immediately, heard a "shot." She then saw the three deputies exit the front door. One of the deputies was bending over with both of his hands on his knees and "hyperventilating." The deputy bending over said something about a gun, either "I saw a gun" or "He had a gun."

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[45] This interview was recorded.

[46] Both interviews were recorded.

[47] did not know her well. She knew what they looked like but did not know their names.

[48] Due to the location of the window was looking through, she could not see Thomas' front door.

Character and Trait of Character Evidence

The following information is included in this memorandum solely because it is relevant evidence that would likely be admissible in Shelton's defense if charges were filed against him. As such, it must be considered in analyzing whether or not there is sufficient evidence to prove Shelton's actions were unlawful.

Thomas has a history of [redacted]
California Evidence Code section 1103 makes evidence of the character or trait of character of a victim of a crime for which the defendant is being prosecuted admissible, if the evidence is offered by the defendant to prove conduct of the victim in conformity with the character or trait of character. "[I]n a prosecution for a homicide or an assaultive crime where self-defense is raised, evidence of the violent character of the victim is admissible to show that the victim was the aggressor. *People v. Shoemaker* (1982) 135 Cal.App.3d 442, 446–447; *People v. Rowland* (1968) 262 Cal.App.2d 790, 797.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably

believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or to another person; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code section 835a(c)(1)(A) & (B).

A threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. Penal Code section 835a(e)(2).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) & (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

Under the current use of force law, the reasonableness of an officer's use of deadly force is analyzed using a reasonable officer standard, not the reasonable person standard that was previously applied and articulated in *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight … The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

In this case, deputies initially responded to a 9-1-1 open-line call where yelling could be heard in the background, but the caller was not providing details of what was occurring at the location. When the deputies approached the residence, they heard yelling coming from inside the home. Thomas opened the front door but repeatedly refused to open a locked metal security door and let the deputies inside. Thomas was agitated and yelled at the deputies. accused Thomas of battery in front of the deputies by asking Thomas why he had put his hands on her.

According to multiple deputies, [redacted] appeared to be in distress and was physically prevented from opening the door by Thomas. At that time, the deputies forced entry into the residence.

Entry into Thomas' Residence

Penal Code section 835a(e)(3) requires the totality of the circumstances be considered, including the officer's conduct prior to the use of deadly force, when determining the reasonableness of such force. Therefore, the legality of the deputies' forced entry into the home, which was initiated by Shelton and led to the use of deadly force, will be examined.

Generally, police entry into a home must be supported by probable cause, and there must be a warrant authorizing the search. *Nathanson v. United States* (1933) 290 U.S. 41, 47. However, an exception exists to the warrant requirement when there is probable cause to believe a crime has been committed and exigent circumstances exist. *U.S. v. Martinez* (2005) 406 F.3d 1160, 1164. Exigent circumstances are generally defined as, "Circumstances that would cause a reasonable person to believe that entry … was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts." *United States v. McConney* (1984) 728 F.2d 1195, 1199, *overruled on other grounds by Estate of Merchant v. C.I.R.* (9th Cir. 1991) 947 F.2d 1390.

In this case, the deputies' entry into the home was likely justified under the exigency doctrine. Based on the deputies' observations, they had probable cause to believe domestic violence had occurred and a legitimate interest in checking [redacted] welfare, preventing any further violence, and assisting her exit from the residence. Similar warrantless entries have been deemed appropriate in other cases. *See, e.g., U.S. v. Brooks* (2004) 367 F.3d 1128 (holding 9-1-1 call reporting sounds of possible domestic violence combined with officer's observation of a disheveled room justified warrantless entry to check on the welfare of occupants).

Shelton's Use of Deadly Force

Once inside the home, [redacted] Gonzales, and Shelton attempted to detain Thomas as Murphy contacted [redacted] Thomas resisted the deputies. Based on the positions of the deputies and [redacted] Shelton and [redacted] were the only people able to see Thomas' right hand and [redacted] firearm, which was holstered on the left side of his body. Shelton and [redacted] both stated that Thomas attempted to remove [redacted] gun from its holster. Before discharging his duty weapon, Shelton can be heard yelling on the 9-1-1 recording that Thomas was grabbing [redacted] firearm. Shelton's voice sounds distressed, supporting his stated belief that the deputies' lives were in imminent danger.

Evidence of Thomas' history of [redacted] could be used by Shelton as evidence that Thomas acted in conformity with that trait; i.e., as evidence that Thomas tried to draw [redacted] service weapon. Furthermore, when the deputies arrived, Thomas told them that their presence made him fear for his life. After the deputies forced open the door and entered the home, Thomas yelled, "You all gonna kill me!" Thomas' mental state,

which may have been altered by various narcotics, and apparent fear of the deputies could be used as circumstantial evidence that Thomas attempted to gain possession of gun, believing he needed to do so in self-defense. The only evidence presented suggesting Thomas may not have grabbed firearm is the lack of Thomas' DNA on the handgun and holster. However, Thomas was not excluded as a possible contributor to the DNA located on the two areas he most likely would have touched, the holster and security strap. Additionally, as discussed previously, the lack of Thomas' DNA on the firearm and holster, without more, is insufficient to prove Thomas did not touch the firearm.

In hindsight, Shelton and the other deputies may have been able to successfully employ alternative tactics to gain control of Thomas without using deadly force. Five trained LASD deputies were tasked with detaining an unarmed 61-year-old man. However, the situation must be analyzed from the perspective of a reasonable officer and without the benefit of such hindsight. When Shelton saw Thomas' hand on firearm, he was forced to make an immediate decision in a tense and uncertain situation. While the holster's security hood provided a barrier to Thomas removing the firearm, Shelton's experiences led him to reasonably believe it could easily be unlocked, and Thomas' possession of the firearm would have put the deputies' lives in jeopardy. Furthermore, the presence of alternative non-deadly options does not make Shelton's decision to use deadly force unreasonable per se, as police officers are not required to exhaust every feasible alternative before using justifiable deadly force. *Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334, 348. If Shelton acted honestly and reasonably in his decision to use deadly force, his actions are justified, and he acted lawfully.

The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507. It is not a defendant's burden to prove that force was necessary or reasonable. The available evidence suggests Thomas tried to obtain gun, and the People would be unable to prove otherwise. Therefore, the People would be unable to prove beyond a reasonable doubt that Shelton's belief that Thomas posed a threat of great bodily injury or death to himself and the other deputies present was unreasonable. As such, there is insufficient evidence to prove that his use of deadly force to stop the threat was not justified.

CONCLUSION

We find that although there may have been other reasonable options available to Deputy Ty Shelton at the time, there is insufficient evidence to prove he acted unlawfully when he used deadly force against Michael Thomas.